

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED
February 20, 2025
LAURA A. AUSTIN, CLERK
BY: s/J.Vasquez
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

ANGELO BANKS,)	
)	
Plaintiff,)	Case No. 7:24CV00303
)	
v.)	OPINION
)	
OFFICER OWENS, ET AL.,)	JUDGE JAMES P. JONES
)	
Defendants.)	

Angelo Banks, Pro Se Plaintiff; Timothy E. Davis, OFFICE OF THE ATTORNEY GENERAL, Richmond, Virginia, for Defendants.

The plaintiff, a Virginia inmate proceeding pro se, filed this civil rights action under 42 U.S.C. § 1983, alleging that the defendant prison officials used excessive force against him or failed to intervene or provide adequate medical care. Thereafter, on September 6, 2024, the defendants filed a Motion to Dismiss. The court issued a Notice on September 10, 2024, notifying Banks of his opportunity to respond to the defendants' motion and submit contradictory evidence and argument. That Order also warned Banks that failure to file a timely response would result in dismissal of the case without prejudice. Banks had until October 4, 2024, to respond to the defendants' motion. He failed to do so.

The time allotted for Banks to respond to the defendants' motion has passed, and he has failed to file a timely response to that motion. Accordingly, I will assume

that he has lost interest in the case or agrees with the defendants' arguments. Therefore, I will dismiss the action and the defendants' pending motion without prejudice.

An appropriate Final Order will issue herewith.

ENTER: February 20, 2025

/s/ JAMES P. JONES
Senior United States District Judge